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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

vs.

CIVIL ACTION NO.: S90-00056

CONSOLIDATED RAIL CORPORATION,
a/k/a CONRAIL,

Defendant.

DEPOSITION OF: LEO BRENNAN
DATE: FEBRUARY 24, 1993
TIME: 10:00 A.M.
PLACE: 201 FEDERAL BUILDING
80 NORTH HUGHEY AVENUE
ORLANDO, FLORIDA 32801
REPORTED BY: BEVERLY GAIL PERRY,
STENOGRAPHIC SHORTHAND
REPORTER AND NOTARY PUBLIC,
STATE OF FLORIDA AT LARGE.

BEVERLY GAIL PERRY
PERRY & RIGGS COURT REPORTERS
5112 NEPONSET AVENUE
ORLANDO, FLORIDA 32808
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COPY

A P P E A R A N C E S

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I N D E X

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WHEREUPON:

LEO BRENNAN,

having been first duly sworn by the Court Reporter,
thereupon was examined and testified as follows:

DIRECT EXAMINATION

BY MR. RUVOLO:

Q. Would you state your full name, Mr. Brennan,
please.

A. Leo William Brennan.

Q. And your address?

A. (b) (6)

Q. And a telephone number where you can be
reached?

A. (b) (6)

Q. And as you probably know my name is Peter
Ruvolo. I represent the Justice Department who is
representing the Environmental Protection Agency in
this proceeding.

This is a civil proceeding seeking money
damages and is in no way -- it's not a criminal
proceeding in any way.

You, as a retiree, are being asked to give us
some facts as to your time of employment and you are
not a party to this action.

1 Mr. Cunningham, over here on my right,
2 represents Penn Central, which is a third party
3 defendant in this action. And Mr. Ermilio represents
4 Conrail, the defendant in this action.

5 If there is any question that I ask that you
6 do not understand, please say so. If you want to take
7 a break, let me know and we'll take a break. And we
8 just ask that you just tell us as much as you know,
9 that you recall at your time with both Penn Central and
10 Conrail. Okay?

11 A. (Witness nods head.)

12 Q. You're going to have to speak up because she
13 can't record nods.

14 A. Okay.

15 Q. This is all being taken down.

16 A. I think she just did.

17 Q. When did you first start working for the
18 railroad or a railroad.

19 A. I started working for the New York Central
20 when I was 16. How many years ago was that? 1943, I
21 think or '42.

22 Q. And in what capacity?

23 A. I was a clerk during the summer vacations.

24 Q. And how long did you work for the New York
25 Central?

- 1 A. Up until it was Penn Central. From '42 or
2 '43.
- 3 Q. You worked for Penn Central until?
- 4 A. Until they went down.
- 5 Q. That would be around 1976 or '75, '76?
- 6 A. Yeah, '74 I think.
- 7 Q. And how long -- then did you stay on working
8 for Conrail?
- 9 A. Yes.
- 10 Q. Until what period of time?
- 11 A. 1986.
- 12 Q. And you retired from Conrail at that point?
- 13 A. Right.
- 14 Q. I don't want to go all the way back. Let's
15 go back say to starting in the '60's and you pick a
16 date in the early '60's and if you would, tell us what
17 your job function was for Penn Central at that time.
- 18 A. 1960 I was superintendent of the department.
- 19 Q. And for how long?
- 20 A. Six years.
- 21 Q. After that?
- 22 A. I was shop manager at Collingwood Terminal.
- 23 Q. That's in the Cleveland area?
- 24 A. Yes.
- 25 Q. And after that?

1 A. Boy --

2 Q. Still with Penn Central. Let's keep up to
3 the 1970.

4 A. Well, Collingwood it's -- '67 it changed from
5 New York Central to Penn Central, didn't it?

6 MR. CUNNINGHAM: Yes.

7 THE WITNESS: I went master mechanic at
8 Sunnyside Yard, Queens. And Penn Station
9 there, too.

10 BY MR. RUVOLO:

11 Q. Did you ever have an occasion to work out at
12 the Elkhart facility in Indiana?

13 A. No.

14 Q. Did you ever have any supervisory control or
15 management control over the Elkhart Yard in Indiana?

16 A. No, I had the engine house, that's all.

17 Q. When would that have been?

18 A. Probably from 1980.

19 Q. Where were you stationed at that point?

20 A. I was superintendent of equipment on the
21 Northern-Western Region.

22 Q. Northern-Western Region covered what
23 territories, what rail yards?

24 A. It covered Detroit, Chicago, Grand Rapids,
25 Toledo, Elkhart, and a bunch of little places.

1 Q. Now, as shop manager back when you were with
2 Penn Central, what was the -- what were the functions
3 of your position?

4 A. I ran a shop.

5 Q. When you say "a shop"?

6 A. A maintenance shop.

7 Q. A maintenance shop?

8 A. Uh-huh.

9 Q. Was that for the maintenance of engines, I
10 mean, locomotives or freight cars or what?

11 A. I had 760 locomotives.

12 Q. And your function was to make sure that these
13 were repaired after it had been damaged?

14 A. We did periodic repairs not only damage. We
15 had the Interstate Commerce Commission repairs. They
16 required us to do certain things at certain times.

17 Q. Servicing kind of --

18 A. Servicing the locomotives.

19 Q. And did you ever personally work on the
20 locomotives and help with the repair work or was it
21 mostly --

22 A. Long time ago, 1940.

23 Q. And as manager, was it -- what was your
24 particular responsibility?

25 How big a staff or support did you have

1 working for you?

2 A. I would say probably 20 or 25 people.

3 Q. And did you do any purchasing of supplies in
4 connection with your position as manager?

5 A. No. The storage department handled that.

6 Q. So, the central purchasing department would
7 buy whatever products were used?

8 A. Whatever I requested.

9 Q. And during that period of time were you --
10 what type of products were you using, for example, to
11 service the locomotives in the way of cleaning and
12 repairing.

13 A. I can't remember the names. They were
14 biodegradable cleaners.

15 Q. Did you at any time use any product
16 containing, for example, carbon tetrachloride?

17 A. Not to my knowledge.

18 Q. Did you use any degreasers or solvents in
19 that period of time?

20 A. Yes, we did.

21 Q. Did any of those, to your knowledge, contain
22 carbon tetrachloride?

23 A. Not to my knowledge.

24 Q. Tetrachloroethylene (ph. sp.)?

25 A. (Witness shakes head.)

1 Q. You said subsequent to that you became a
2 master mechanic?

3 A. Uh-huh.

4 Q. Is that correct?

5 A. Yes.

6 Q. In that position what was your major
7 function?

8 A. I ran the Sunnyside Yard and the maintenance
9 people, locomotive maintenance, and the M.U.
10 maintenance in Pennsylvania Station.

11 Q. And were the products that you used when you
12 were a master mechanic, the same ones that basically
13 were used in the shop when you were shop manager?

14 A. The products I used were the basic products
15 that are put out under mechanical regulations. We all
16 used them.

17 Q. Did you -- did anybody ever go out and buy
18 their own products if there was an emergency or a
19 shortage or something? Would anybody go out to --

20 A. I can't tell you that.

21 Q. -- a local gasoline station?

22 A. I doubt it very much.

23 Q. Were you aware of -- we're still talking your
24 time at Penn Central -- were you aware of any policy,
25 company policy, that existed as far as the handling and

1 use of hazardous materials?

2 A. Yes, I was.

3 Q. And do you recall what that policy was?

4 A. Well, it was that we were to collect it all
5 and not allow it to disperse into the rivers and
6 streams.

7 Q. And was there a policy in existence as to
8 disposing of it?

9 A. Yes. We had special contractors that came
10 with trucks to pick it up.

11 Q. Uh-huh. How about when you were working on a
12 locomotive, would there be oil that would fall to the
13 ground or grease that would go on the ground?

14 A. At times I guess there was. We had drains
15 though in the engine house that went to separators.

16 Q. And did you use anything to clean the oil off
17 the ground or off the pad if you used a pad?

18 A. Yes. We used biodegradable substances. I
19 can't remember the names.

20 Q. Do you know how the product was applied?

21 A. It was mixed with water.

22 Q. And was it physically sprayed on or brushed
23 on?

24 A. Yes, it was sprayed on the ground and then
25 washed off with high pressure hose.

1 Q. This was fairly standard as far as your
2 experience is concerned?

3 A. Uh-huh.

4 Q. Were you aware at any time in your functions
5 while you were at Penn Central of any reports
6 concerning spills or accidents containing chemicals?

7 A. I don't remember any. Because most of the
8 spills were, of course, at accident scenes. I wasn't
9 involved in those.

10 Q. You were strictly with the repair and
11 servicing?

12 A. Yes.

13 Q. From time to time I would take it that one
14 product was replaced by another product?

15 A. Uh-huh.

16 Q. What would happen to the used product?

17 Would it be used up and then a new product
18 would be filled in?

19 A. Yes, right.

20 Q. Let's get to your time that you were with
21 Conrail. Now, Conrail took over roughly in the mid
22 '70's -- '76, '77. What was your function?

23 A. Trying to think. I was manager of passenger
24 cars again.

25 Q. That was the first position with Conrail?

1 A. I believe it wasn't with Conrail, because
2 when Conrail took over, passenger cars disappeared.

3 Q. Amtrack took over?

4 A. It was the last position that I had with Penn
5 Central, I think.

6 Q. And where was that?

7 A. At Philadelphia.

8 Q. And after the passenger cars were no longer a
9 part of the system, what was your function or what did
10 you do next?

11 A. I can't remember the first job I had with
12 Conrail. It might have been general superintendent at
13 Harmond. I was at Harmond back and forth for 20, 30
14 years. Different jobs.

15 Q. Where is Harmond?

16 A. Harmond is in New York, directly across from
17 where I lived, Travisville (ph. sp.). It was 36 miles
18 to the city up the Hudson, right on the Hudson.

19 Q. Is Croton near Harmond?

20 A. Yes, Croton is where it was.

21 MR. CUNNINGHAM: Harmond is near
22 Tarrytown.

23 THE WITNESS: Yeah, it's about ten miles
24 away from Tarrytown.

25 (Whereupon, there was a discussion held

1 off the Record, after which the following
2 transpired:)

3 BY MR. RUVOLO:

4 Q. What was your functions, Mr. Brennan, as a
5 general superintendent, generally speaking?

6 A. I set policy and made sure that the
7 mechanical regulations were adhered to.

8 Q. When you say "set policy", with --

9 A. It was within my own group.

10 Q. Was your -- was the job of a general
11 superintendent defined by the company?

12 I mean, were there specific duties that the
13 general superintendent was supposed to accomplish?

14 A. Yes, we had job descriptions. I don't
15 remember them really.

16 Q. And how large a staff would you have working
17 under you as general superintendent?

18 A. I could have from 10 to 30, different jobs.

19 Q. Depending on the need?

20 A. Uh-huh. At Sunnyside I had an enormous
21 force, I had a thousand people. But, they were not all
22 staff. You could imagine the staff I had.

23 Q. Were these jobs operating on a 24-hour basis?

24 A. Yes.

25 Q. Three shifts?

1 A. All of them were.

2 Q. After general superintendent, what was your
3 next function? When was that approximately?

4 A. It was in the '70's again, after Conrail took
5 over.

6 (Whereupon, there was an interruption in
7 the proceedings, after which the following
8 transpired:)

9 MR. RUVOLO: I'm sorry. Could you read
10 back?

11 (Whereupon, the Court Reporter read back
12 the prior question and answer, after which
13 the following transpired:)

14 THE WITNESS: About six months I was
15 general superintendent at Conrail -- in
16 Harmond rather, about six months. And then I
17 came back to Philadelphia as director of
18 locomotives for the system.

19 BY MR. RUVOLO:

20 Q. When you say "for the system", was that the
21 system nation-wide or was that a regional?

22 A. That's the Conrail system. The entire
23 system.

24 Q. What were the functions as director of
25 locomotives?

1 A. To work as a staff to the chief mechanical
2 officer and to direct the superintendents of equipment.

3 Q. Did you run into a person by the name of
4 McGuigan?

5 A. Sure did.

6 Q. What was your relationship with Mr. McGuigan?

7 A. He was a chief mechanical officer.

8 Q. Was he -- he was then your supervisor?

9 A. Yes, he was. He was not my immediate
10 supervisor. I had one man between us.

11 Q. Okay. And what were the basic functions of
12 your job as director?

13 Did you set any policy?

14 A. Well, at that time we were changing
15 locomotives. We had all locomotives were updated and
16 they were costing us too much money for maintenance and
17 we were picking out the locomotives in the company that
18 needed to be retired. I did a lot of that. And set
19 all policy, actually all policy for the locomotives.

20 Q. When you picked out the locomotives, would
21 they be brought into a particular area or would you go
22 from area to area and see which ones were the oldest or
23 needed the most repair?

24 A. We made surveys and then we had people out to
25 make surveys. And then from that we decided which

1 locomotives would go. We ran into a lot of resistance,
2 because we had some old timers that believed we should
3 keep the old ones.

4 Q. During this period of time or the period of
5 time between the turn over from the Penn Central to
6 Conrail, what was the general atmosphere within the
7 corporation as far as workers were concerned?

8 A. Well, nobody seemed to be against Conrail.
9 They took there time and went through our forces place
10 by place, Mr. Butler did. He was chief mechanical
11 officer of -- what was the name of the outfit, the
12 National something. The outfit that set up Conrail.

13 Q. The railroad reorganization?

14 A. Yes. He was the boss there and became to
15 boss on our Conrail Railroad.

16 Q. Were there many -- were there firings or were
17 there layoffs through attrition, permanent or
18 temporary?

19 A. They did a lot of changing when they took
20 over. I guess they went from 90,000 down to about
21 45,000. That's a lot of people. And they were not all
22 retirees.

23 Q. Uh-huh. Were there any basic changes in
24 policy?

25 A. No, the policy remained. In fact, we kept

1 the same mechanical regulations. They changed them a
2 little bit here and there to go with the equipment that
3 we were buying.

4 Q. Well, you tell me if it's true or not, but
5 were the regulations set down by the FA or the ICC or
6 Department of Transportation?

7 A. No. Regulations were set down by our own
8 people.

9 Q. Were there specific regulations for periodic
10 servicing of the locomotives or --

11 A. Uh-huh.

12 Q. -- other cars?

13 A. Yes.

14 Q. Were there guide books or rule books that
15 were given to the employees as to what servicing was to
16 be down when and so -- similar to --

17 A. Maintenance sheets, they call them.

18 Q. Similar to what we do with an automobile
19 today?

20 A. Yes.

21 Q. Were there guide books or regulations on what
22 products to use in the servicing?

23 A. Uh-huh. Yeah.

24 Q. And those products, whatever they were, would
25 be supplied by the company?

1 A. Right. Most of the tools were supplied by
2 the company also.

3 Q. Now, there was also a period of time when the
4 locomotives switched from the old diesel to the
5 electric, was it not?

6 A. Well, they switched from the steam to diesel
7 and they never switched from the diesel to electric.
8 Electric was a different railroad, different section of
9 the railroad.

10 Q. I see. In the switching from the steam to
11 diesel, what mechanical parts of the locomotive would
12 have been affected the most?

13 What's the difference?

14 A. Between the steam and diesel engine?

15 Q. You're talking to a layman here.

16 A. The only thing that was comparable were the
17 wheels.

18 Q. Okay. Was there more use of fuel in one or
19 the other?

20 A. More use of fuel with steam. Coal. They
21 used coal.

22 Q. How about as far as oil is concerned or
23 grease is concerned?

24 Is there more in the diesel?

25 A. No, it was about the same. They had to

1 grease the rods and do everything -- the boxes used the
2 same.

3 Q. Okay. What was your next position after
4 being director of locomotives?

5 A. I found out -- I don't want you to put this
6 down -- I found out that they paid more money out in
7 the field than I could make as staff to the big boss.

8 Q. Uh-huh.

9 A. Because he put in a lower rate of pay for the
10 boys on his staff than the general managers did for
11 their people.

12 Q. I see.

13 A. So, you know what I did, don't you? I got a
14 job as superintendent of equipment of the region.

15 Q. That happens.

16 A. Yes. I didn't know it when I first took the
17 job, but I found out later.

18 Q. When was that?

19 A. Probably a couple of years after I had the
20 director's job or a year. I wasn't long on the
21 director's job until I found out I wasn't making as
22 much money.

23 Q. Uh-huh.

24 A. Everybody else was making more and I was
25 telling them what to do. Didn't like that.

1 Q. Is that -- would that be early '80's, late
2 '70's, early '80's?

3 A. Yeah, it was right around there.

4 Q. What region were you the superintendent?

5 A. I went to Detroit, the northern region first.

6 Q. What areas did that cover? What railroad
7 yards did that cover?

8 A. Oh, boy. It covered Grand Rapids, Detroit,
9 Kalamazoo, Toledo, that was about it.

10 Q. Were your functions basically the same as
11 director or as superintendent? Were you in charge of
12 directors?

13 A. Yeah, I was -- I did the same thing as a
14 director, but I did it for a region rather than the
15 home area.

16 Q. Was your concentration predominately on
17 locomotives?

18 A. No, locomotives and cars I would say.

19 Q. When you say "cars", are we talking about all
20 kinds of freight cars?

21 A. Yeah, freight cars -- all the freight cars in
22 that area.

23 Q. How about tank cars? Did you work --

24 A. Tank cars, everything. Every kind of car.

25 Q. Were there any guidelines or rules that were

1 set by any agency, State, Federal or otherwise for the
2 handling of tank cars?

3 A. Yeah, I believe there were. But, I think we
4 put up a buffer. The buffer behind the coupling,
5 heavy-duty buffer, to keep it from piercing a tank.

6 Q. You mean in say the humping process or
7 something like that?

8 A. Yes.

9 Q. Was there a tendency for tank cars to be --
10 prior to putting in the buffer, was there a tendency
11 for tank cars to be damaged during the humping process?

12 A. It happened occasionally.

13 Q. How about as far as the paneling underneath
14 the tank car or anyplace around it, was that also a
15 function in your department?

16 A. Yes. Trucks. They were the same trucks
17 used, universal truck. They all fit different cars.

18 Q. In your experience which type of car would
19 require more repair or would require repair more
20 frequently?

21 A. Box car doors.

22 Q. Would that be because the were rammed or
23 because of the opening and closing?

24 A. The way they open and close them, the people
25 that were using them were other than the railroad.

1 They were tough on them. They used a forklift to open
2 and close them. Sometimes put it right through the
3 door.

4 Q. I see. As the superintendent did you have
5 anything to do with the policy concerning the products
6 to be used?

7 A. No, they came from the system.

8 Q. I am just trying to get in my own mind --

9 A. You get a copy of the mechanical regulation.
10 Maybe you could see.

11 Q. What I'm trying to think of is when a
12 locomotive or any kind of a car comes in, is that
13 manual that's produced by the manufacturer that would
14 say this is the product that should be used or the oil
15 should be changed every three days?

16 A. No, we did that ourselves. We set up the --
17 the manufacturer gave us recommendations, but we set up
18 the actual times and between changes and such. They
19 differed, they changed as we went along, got different
20 locomotives.

21 Q. And after you were superintendent of the
22 northern region, what was your next function?

23 A. I took over the -- they changed the system
24 and they put the superintendent of equipment in charge
25 of locomotives. And just locomotives. And of course,

1 the region was too small to handle just locomotives.
2 They gave me the western region, too.

3 Q. Were you still stationed in Detroit at the
4 time?

5 A. I stayed in Detroit, never left.

6 Q. And --

7 A. Traveled, you know.

8 Q. Going from yard to yard?

9 A. Yes.

10 Q. What yards were included in the western
11 region?

12 A. Elkhart, 59th Street, 51st Street in Chicago.

13 Q. Cicero?

14 A. I didn't have any in Cicero.

15 Q. Anything in Dearborn?

16 A. No. Was nothing in Dearborn. Where else was
17 there? There was a couple of other places. Erie,
18 these were sometimes one-man places. Erie and those
19 places way out --

20 Q. Uh-huh.

21 A. -- that I had to get out there once a month.

22 Q. What was the situation at Elkhart at the
23 time?

24 How large an operation was that?

25 A. Well, they always were large. They always

1 had 95 or 100 locomotives a day dispatched out of
2 Elkhart. It's a fast moving place. It's a large yard.

3 Q. Were there any specific problems that your
4 attention was directed to that caused you to make these
5 trips?

6 A. Oh, there was a lot of them.

7 Q. Tell us about some of them, just generally,
8 the nature of the problem.

9 A. Well, just if you have some -- I used to
10 watch the failures. I used to get reports on the
11 failures. If I see too many coming from Elkhart, I'd
12 go out there and try to find out why. Those kinds of
13 things.

14 Q. Uh-huh.

15 A. I had good people then. I had good people in
16 Elkhart. I had good people in Chicago. I had managers
17 in both places. I had a manager in Detroit and a
18 manager in Chicago that handled a lot of work for me.

19 Q. Were there any other yards similar to Elkhart
20 in the sense that they were humping operations or
21 change over points?

22 A. They were humping in Detroit for awhile.
23 Detroit kind of phased out after awhile.

24 Q. So, the Elkhart then --

25 A. They were humping in Toledo.

1 Q. Same type of operation or when I say
2 operation, humping operation?

3 A. Yes.

4 Q. That's the standard railroad --

5 A. That's standard railroad way of separating
6 cars and building up trains.

7 Q. Now, was your function at this time strictly
8 with locomotives?

9 A. Strictly with locomotives.

10 Q. Were the -- were there locomotives damaged
11 from the humping process?

12 A. Not usually, because they didn't hump
13 locomotives. They just used them to hump.

14 Q. They were the pushing force?

15 A. They never went over the hill. They got it
16 once in a while, but it was only by accident.

17 Q. Were there incidences where locomotives were
18 damaged other than -- strike that.

19 Were there instances where locomotives were
20 damaged at the rail yard?

21 A. Oh, yes. They ran into each other and they
22 ran crossings and hit cars, trucks, cement trucks hit
23 them there was a lot of damage.

24 Q. And any of those repairs would be done --

25 A. We took care of that.

1 Q. Do you recall what products were used in
2 repairing locomotives?

3 A. Mostly steel.

4 Q. I'm sorry?

5 A. Mostly steel. We had new parts. We had body
6 work to do.

7 Q. Uh-huh.

8 A. And we had new parts to put on according to
9 what happened, where they hit and what they did.

10 Q. Was there any electrical work that had to be
11 done?

12 A. Oh, yeah.

13 Q. What nature? What type?

14 A. Well, if they hit the train line, well you
15 had to fix the train line. Just according to if a guy
16 came along drunk, 12:00 and hit a train at a crossing,
17 you don't know what he's going to do, where he's going
18 to hit it.

19 Q. Were the men in the shop under the chief
20 mechanic, were they of various capabilities such as
21 electricians?

22 A. Yeah, we had them separated. There were
23 electricians, machinists, pipe fitters. They didn't
24 have that many pipe fitters at Elkhart, mostly
25 machinists and electricians.

1 Q. And was the set up for repair of locomotives
2 at Elkhart the same as in the other areas that you
3 spoke about before?

4 A. It was a fast shop. It was do it and get rid
5 of it. If it was too big, it went to the main shop in
6 Cleveland.

7 Q. Now, were they -- we have heard testimony
8 before about a car shop operation in Elkhart.

9 A. There was a big one there.

10 Q. Would that car shop handle both locomotives
11 as well as other freight cars?

12 A. No. No locomotives at the car shop.

13 Q. Was there a special shop for repairing
14 locomotives?

15 A. Yes.

16 Q. In Elkhart?

17 A. Right.

18 Q. But, not the car shop?

19 A. Not the car shop, no. It's a different place
20 in the yard.

21 Q. Is that the name for it?

22 A. Just call it a car shop, locomotive shop.

23 Q. Did you have anything to do with the car shop
24 that repaired other cars other than locomotives?

25 A. Oh, for awhile I did. Every once in a while

1 they would loan me to the superintendent of the cars.
2 And I would do some work for him.

3 Q. Would you describe your functions basically
4 as a -- stop me if I'm wrong -- a trouble shooter?

5 A. Primarily I set policy and I was sent to
6 places where there was trouble to run and when the
7 trouble was over I usually was sent someplace else
8 where there was trouble. I don't think they would call
9 me a trouble shooter.

10 Q. What would be the nature of the trouble that
11 you would be called in on to correct?

12 A. Too many locomotives or they couldn't get
13 their locomotives repaired fast enough to cover the
14 service. Those kind of things.

15 Q. Were you in control of manpower to any
16 extent?

17 Did you ask -- one particular yard was loaded
18 up with repairs could you reassign people?

19 A. Oh, yeah. I couldn't reassign people, I
20 could reassign locomotives.

21 Q. Uh-huh. How would the locomotives be
22 transported if they were in need of repair?

23 Would they be put on --

24 A. Well, sometimes the went dead, you'd drain
25 them and put them in as a box car.

1 Q. I see. Did you have any kind of relationship
2 with -- let's put it to Elkhart -- with the yard master
3 or --

4 A. Yes, we talked with the yard masters a lot of
5 times. We had -- sometimes we needed fast moves and we
6 talked with the yard masters to get it. Maybe a
7 locomotive was out in the yards -- see, they sent
8 locomotives from all over. When you ran a large shop,
9 they send them from all over and they'd be out in the
10 yard and you'd have to get them in.

11 Q. Uh-huh.

12 A. You can't fix it until you get them in. So,
13 we had a close relationship with the yard masters.

14 Q. Any other type of problems that you generally
15 run into?

16 A. Run into all kinds, but you never knew what
17 was going to happen next. Really, usually, most of my
18 places ran smooth. I didn't have any problems because
19 I had good people running them.

20 Q. Were you ever called in to Elkhart, for
21 example, where there had been an incident, an accident
22 of some sort?

23 A. Where somebody was hurt?

24 Q. Or damage to cars or trains? And I'm talking
25 more than just in the humping process?

1 A. Oh, yeah. I was called to Elkhart a lot of
2 times to look at the damage, to see how bad it was.
3 Whether it was worth fixing there or sending to main
4 point, those kind of things.

5 Q. The same is true if there was damage in the
6 humping process and there was a car? Would you --

7 A. No, I wouldn't have anything to do with the
8 cars. The car department handled that. They could fix
9 most anything at Elkhart. They had a complete car
10 shop.

11 Q. Was your department or your functions have
12 anything to do with the chemical department?

13 A. No. We had a chemical department out of New
14 York Central a Mr. Wright used to run, J. J. Wright.
15 But, when he died the chemical department wasn't that
16 large anymore. They used to invent things and do other
17 things.

18 Q. Okay. What was your next function with
19 Conrail?

20 A. That was it.

21 Q. That was it? That lasted until '86?

22 A. Uh-huh. I had a five-way bypass in '86 and
23 when I came back to work, there was a directive out
24 that anybody that was 62 could retire. And they would
25 give them the \$50,000 insurance, life insurance and

1 \$20,000 -- it didn't say the \$20,000, but I knew I
2 could get it. So, I went like a bird. I think they
3 got a Title 7, they called it.

4 Q. Uh-huh.

5 (Whereupon, there was a discussion held
6 off the Record, after which the following
7 transpired:)

8 BY MR. RUVOLO:

9 Q. During your tenure with either Penn Central
10 or Conrail, were you aware of any incidents that
11 involved spills, spillage or venting of chemical
12 materials?

13 A. I think at Harmond there was a problem with
14 paranol (ph. sp.). It's a transformer oil. And --

15 MR. ERMILIO: Are you concerned with
16 Elkhart only?

17 THE WITNESS: Oh, only Elkhart?

18 BY MR. RUVOLO:

19 Q. Finish what you were saying and then I'll
20 bring you back to Elkhart.

21 A. They cleaned it up now I think. They even
22 dug the dirt up.

23 Q. Uh-huh. How about at Elkhart?

24 A. No.

25 Q. We have heard reports of --

1 A. Out in the yard there might have been, tank
2 cars and stuff. We didn't -- we weren't mixed up with
3 that.

4 Q. That was never a part of your function?

5 A. No. What happened out there was foreign to
6 us in the engine house.

7 Q. Uh-huh.

8 A. Except when a locomotive was involved.

9 Q. Were you aware at any time with either Penn
10 Central or Conrail as to the usage in the shop
11 department or the locomotives repair department of
12 substances that might have contained chemicals of one
13 nature or another?

14 A. No. That was part of the function of our
15 laboratory at Altoona. They took care of it to make
16 sure we didn't have that problem.

17 Q. How about chlorinated solvents or something
18 of that nature?

19 Were you aware of the usage of those?

20 A. No.

21 Q. Where was a change back in '85 from one
22 product to another. I believe there was a solvent.
23 And you were copied on a memo of that. Do you recall
24 that incident?

25 A. No.

1 (Whereupon, Plaintiff's Exhibit Numbers
2 1 and 2 were marked for identification by the
3 Court Reporter, after which the following
4 transpired:)

5 BY MR. RUVOLO:

6 Q. Let me show you what we have marked as
7 Exhibit Number 2, Mr. Brennan, which is a memo dated
8 January 20, 1975, from J. M. McGuigan, chief mechanical
9 officer, which indicates you were copied on it or you
10 were sent -- you weren't copied, you were sent directly
11 a copy of a memo, and ask if that refreshes your
12 recollection as to the usage of some of the matters we
13 talked about. Take your time.

14 A. Uh-huh. Yes, we used this to keep
15 generators. I remember it as 9A and 9B.

16 Q. Was there a name to it?

17 A. There were several names, I think. See,
18 under a class we buy it from several different
19 companies, the same stuff.

20 Q. I see. And it came in aerosol cans?

21 A. No, it didn't. It does now.

22 Q. Uh-huh.

23 A. But, it didn't then. I guess it came in 55-
24 gallon barrels.

25 Q. From that can you tell what the nature of the

1 product was? What it was constituted of?

2 A. Well, it's a degreaser. It's like the stuff
3 you use on your automobile to clean your engine. You
4 spray your engine?

5 Q. Uh-huh. And would that be used in locomotive
6 repair shops?

7 A. To repair -- to clean electrical cabinets,
8 they probably used a small can. If they had problems
9 or other contactor, they'd spray it and wipe it down.
10 But, it's only a little can. It's an aerosol can.

11 Q. Right.

12 A. But, when I do a generator, I use quite a lot
13 more.

14 Q. And how often would they do a generator, for
15 example?

16 A. Well, they clean a generator on periodic
17 maintenance. But, when you have a problem with a
18 grounded generator, it's moisture. And it's dirt and
19 moisture combination, then they'd use a solvent cleaner
20 to clean it.

21 Q. And how would that be applied?

22 A. With a spray can and air.

23 Q. Now, the portion that came in 55 or 50-gallon
24 drums, how would that be handled?

25 I mean, you wouldn't carry it. Would you go

1 over and take a ladle? You wouldn't carry the can from
2 place to place.

3 A. No, you put it in small pails and bring it up
4 and syphon it from pails. You'd bring the barrel up
5 close with the forklift and you's put a hose in it and
6 syphon it.

7 Q. Then what would be the next step in the
8 process?

9 A. To air dry it and check it again to see if it
10 was still grounded.

11 Q. Uh-huh. When you receive a memo like that --
12 now, I know that this happened sometime back -- what
13 would your procedure be?

14 A. I would put it out to my people.

15 Q. Uh-huh.

16 A. My people would get a copy of this. All the
17 people that were involved. We get a million of these.

18 Q. And I asked you earlier on when you got a
19 memo, something like this, what would happen to the
20 product that was being substituted, would you use it up
21 and then bring in the new product?

22 A. Unless there was specific instructions in the
23 letter to return the product, we'd use it up.

24 Q. Would the product ever be just discarded
25 rather than returned or used?

1 A. Not usually. We would use it until it was
2 gone. We really didn't have that much ahead, you know?

3 Q. Uh-huh. Now, when you -- in your trouble
4 shooting investigations or in your periodic reviews of
5 the yards, would this be part of your function to check
6 on whether the proper product was being used?

7 A. Yes, it was.

8 Q. You said that you received many types of
9 memos such as this that would go out?

10 A. Yeah. Whenever there was a change, we all
11 got it and usually the reason for it.

12 MR. RUVOLO: I have no further
13 questions.

14 MR. CUNNINGHAM: I just have a few
15 questions, Mr. Brennan.

16 CROSS-EXAMINATION

17 BY MR. CUNNINGHAM:

18 Q. I'd like to introduce myself. I'm Mr.
19 Cunningham, representing Penn Central. And I will talk
20 with you about primarily the time that you were with
21 Penn Central, which as I understand it, would have been
22 from about 1967 until the bankruptcy in 1976; is that
23 about right?

24 A. Right.

25 Q. My understanding is during that period you

1 have little if any involvement with Elkhart, Indiana
2 rail yard; is that correct or not?

3 A. That's correct.

4 Q. And talking into consideration that answer,
5 you have no knowledge of any spills of hazardous
6 materials that may have occurred at that rail yard
7 during that period; is that correct?

8 A. That's correct.

9 Q. My other questions have to do with the
10 procedures, if any, that may have existed, written or
11 unwritten, throughout the system. I am talking about
12 1965 to 1970 for the reporting of any kind of spills of
13 materials, either hazardous or otherwise.

14 And the question that I have for you is, do
15 you know whether there were any such procedures that
16 existed during the time that you were with Penn Central
17 for the reporting of any such incidents?

18 A. I think there were instructions in -- general
19 instructions in the mechanical regulations had
20 instructions what to do for spills.

21 Q. All right. Apparently from your testimony,
22 there existed contractors that would come in to any one
23 of the yards to clean up materials either hazardous or
24 otherwise that had been spilled.

25 I was wondering what time period you're

1 talking about?

2 A. I wasn't involved with it very much until
3 Elkhart. We had a pond that had -- we had a contractor
4 come in and do the whole pond over with ash and soak up
5 the oil and get it all taken care of.

6 Q. In that time frame I think was 1980 and
7 after; is that right?

8 A. Yes, I think so.

9 Q. Do you know just having the experience of
10 having been with Penn Central during the time that we
11 have referred to in 1968 to 1976, whether there was any
12 sort of contractor used during those years either at
13 Elkhart or any other yard?

14 A. I don't know. I don't recollect.

15 Q. That's all right. With respect to the
16 product that is referred to in the memo, marked now as
17 Exhibit Number 2, there was care used to avoid the
18 spilling of that sort of product into the ground; is
19 that correct?

20 A. That's correct.

21 Q. And that was true both under Penn Central's
22 ownership and Conrail?

23 A. That's right.

24 Q. Just so the Record does not leave any
25 inference, which I don't think it does, but just to

1 clarify, that unused materials such as are mentioned in
2 Exhibit Number 2 were not disposed of or dumped into
3 the ground to get rid of them, were they?

4 A. No. This stuff evaporated. And we never did
5 get 9B back. We only used 9A after this, if I remember
6 right.

7 Q. But, to your knowledge, unused materials
8 weren't just thrown into the ground?

9 A. No, we never did that.

10 Q. And it's further my understanding from your
11 testimony that even in the day when environmental
12 concerns were not as paramount as they are today, that
13 there was care used to avoid chemicals of any kind
14 going into the ground; is that right?

15 A. Oh, yes.

16 Q. I take it also from your testimony that
17 although some repairs were done to both tank cars and
18 other cars at Elkhart, Indiana, I understand that major
19 repairs were not performed there; is that right?

20 A. No, major repairs were performed there.

21 Q. All right. And what sort of major repairs
22 were performed there on tank cars?

23 A. Well, if they had a leaky tank car they
24 welded it. A lot of these tank cars were from
25 companies that handled their own repairs and wanted the

1 cars back.

2 Q. That's another follow-up question you
3 anticipated for me. It was really up to the owner of
4 the tank car whether the owner wanted it repaired at
5 Elkhart or repaired at their own yard; is that correct?

6 A. Right.

7 Q. So, where there was some kind of major
8 damage, certainly the owner would have been contacted
9 by Penn Central?

10 A. Yes, they would have to pay for the car.

11 Q. Because, the payment of that repair would
12 have been --

13 A. Yes.

14 Q. -- at their expense; is that right? That is,
15 the owner of the car.

16 A. Right.

17 Q. Tell me a little about your knowledge, if any
18 of the procedure, written or unwritten, for damage to
19 tank cars during 1965 to 1970. What would be the usual
20 course of reporting damage to a tank car in Elkhart, if
21 you know?

22 A. Well, you mean a spill?

23 Q. No. Let's just assume that a tank car was
24 damaged, punctured, requiring the contacting of the
25 owner of the tank car. How would Penn Central or

1 Conrail keep track of that sort of thing?

2 MR. ERMILIO: What time period are you
3 talking about?

4 MR. CUNNINGHAM: '65 to '70. So that
5 would leave Conrail out.

6 THE WITNESS: We had a book --

7 MR. ERMILIO: You asked in the beginning
8 whether he had any responsibility or
9 knowledge of what went on in Elkhart
10 during --

11 MR. CUNNINGHAM: Let me clarify it.

12 MR. ERMILIO: You're asking him to
13 speculate?

14 BY MR. CUNNINGHAM:

15 Q. System-wise, let's just talk your general
16 knowledge.

17 Apparently you didn't have any specific
18 knowledge at Elkhart what happened, but tell us what
19 the usual procedure was in 1965 to '70, at any one of
20 the yards that Penn Central had when a tank car would
21 have been damaged.

22 Who would know about it and who would be
23 responsible for reporting it? And if somebody wanted
24 to check to see if it really happened, how would they
25 do it?

1 A. The general foreman at the particular place
2 where it was damaged had a ledger that had all the cars
3 listed in it and the owners and the addresses and how
4 to get in touch with them.

5 Q. Let me stop you for a minute. The general
6 foreman, is that the same as the terminal
7 superintendent?

8 A. Sometimes. They call them different names.
9 Terminal superintendent usually is over a larger shop.

10 Q. So, a general foreman would be a lesser job,
11 but more specific?

12 A. He might be under a terminal superintendent.
13 A general foreman might be the fellow under the general
14 superintendent.

15 Q. But, he would be assigned to a particular
16 division such as a car?

17 A. Usually car shops were in charge -- a general
18 foreman was in charge of car shops.

19 Q. So the head of the car shop at Elkhart would
20 be the general foreman; is that right?

21 A. I'm not sure what they called him. That was
22 a big car shop.

23 Q. But, certainly that individual would have
24 probably known about that sort of thing?

25 A. Yes. And he would be the one that was to

1 initiate the call. He might not make the call, but he
2 would tell somebody to do it.

3 Q. And he would keep some sort of written record
4 of that?

5 A. Usually.

6 Q. So, the general foreman would have a record
7 of all cars that would come in and go out of Elkhart?
8 Is that the ledger that you're talking about or just
9 the ones that are damaged that went in and out of
10 Elkhart?

11 A. No, I think that they kept a record of all
12 the cars. They knew what was there, what day it was
13 dispatched.

14 Q. What is your general understanding as to how
15 their information began to flow upwards to
16 Philadelphia, for example, from a given yard?

17 A. Well, it wouldn't unless it was serious
18 damage and it was costly.

19 Q. Let's assume that, then what would happen?
20 The general foreman would make a report?

21 A. There would be a telephone call.

22 Q. He would make a phone report?

23 A. Right.

24 Q. Who would he call?

25 A. He would probably call his master mechanic.

1 Q. That would be a regional type job?

2 A. Right.

3 Q. So, if Dearborn were the region supervising
4 Elkhart, general foreman would call the regional man in
5 Dearborn?

6 A. Right.

7 Q. Would that end it or would it go further?

8 A. No, then he would probably get in touch with
9 his boss.

10 Q. Would there be some sort of paper trail
11 there, too?

12 A. There might be. There might be a follow-up.

13 Q. If there were any, what would it probably
14 have been?

15 I mean, is that a name for this?

16 A. No, I don't know that.

17 Q. That's another department?

18 A. Yes.

19 MR. CUNNINGHAM: That's all of the
20 questions I have. I thank you.

21 CROSS-EXAMINATION

22 BY MR. ERMILIO:

23 Q. Mr. Brennan, my name is Jim Ermilio, I'm
24 representing Conrail. I explained that earlier. I
25 just have a couple of questions.

1 First, can you tell me what position you were
2 in on or about January 20th, '75, the time of the memo
3 that's marked Exhibit 2?

4 A. It's hard to.

5 Q. Do you remember, it was Penn Central at that
6 time, if you can remember what position you were
7 serving in?

8 A. No. I could have been director.

9 Q. Director of?

10 A. Locomotives.

11 Q. That was the position out of Philadelphia; is
12 that right?

13 A. Right.

14 Q. With system-wide responsibilities?

15 A. If I was director, yes.

16 Q. To whom would you have sent a copy of that
17 memo?

18 You mentioned earlier you sent it to your
19 people.

20 A. The people I sent it to are these people that
21 are -- these people already have it.

22 Q. Okay.

23 A. So, I would not have to sent it if I was
24 director.

25 Q. So, you wouldn't send a copy to anybody?

1 A. No, these guys would send the copies out to
2 their people.

3 Q. So, you're saying that the people listed at
4 the head of the memo on Page 1 are actually the people
5 that worked under you at that time assuming you were
6 director of locomotives?

7 A. Right. I might have been -- I might have
8 been shop -- general superintendent of Harmond, too.
9 That was the first job I had.

10 Q. Okay. If you were general superintendent of
11 Harmond, who would you have sent a copy --

12 A. Fadale was in charge of Altoona. And I think
13 Boughton was in Collingwood. Thigpen was in
14 Wilmington. And I was in Harmond, I guess.

15 Q. Okay. To whom would you have given a copy of
16 that memo when you were in Harmond, do you remember?

17 A. Just my people at Harmond. My general
18 foreman.

19 Q. Do you remember this memo? Do you remember
20 seeing it?

21 A. I remember it when I saw the 9A and B, I
22 remembered it.

23 Q. Do you remember the subject being discussed
24 at the time?

25 A. No, just the letter.

1 Q. Okay.

2 A. I remember we didn't bring 9B back though.

3 Q. You said 9A was brought back. What do you
4 mean by that?

5 A. They brought it back in little aerosol cans.

6 Q. As it's discussed later on in the memo?

7 A. Yes.

8 Q. Paragraph 2 of the memo on Page 1, states
9 effective immediately the general use of these solvents
10 would be discontinued. Could you explain what that
11 would mean to you?

12 A. Well, we might send that back to the
13 storehouse.

14 Q. Send what back to the storehouse?

15 A. The barrels we had.

16 Q. Of the 9A and the 9B?

17 A. They would have instructions on what to do.

18 Q. Okay.

19 A. And they might have them already. We take
20 one barrel at a time out or two barrels at a time and
21 the storehouse keeps the rest. We don't take them all,
22 you know?

23 Q. Sure. So, does effective immediately mean no
24 longer use?

25 A. That's what it means, yes.

1 Q. And do you remember doing that? Do you
2 remember returning the old material that you were
3 instructed not to use?

4 A. I remember the 9B. That's all I remember.

5 Q. And the 9B was in 55-gallon drums?

6 A. I think so.

7 Q. Okay. And so you remember returning that and
8 no longer using it?

9 A. This number will tell you what it was in.

10 Q. Okay. And so on or about January 20th, '75,
11 you received this memo; is that right?

12 A. Probably somewhere in there.

13 Q. Within a few days?

14 A. Yes.

15 Q. And once you got the memo you're saying you
16 returned 9B?

17 A. We probably returned both of them, but I
18 don't think we used much 9B.

19 Q. Okay. To whom did you return 9A and 9B?

20 A. To the storehouse.

21 Q. At Harmond?

22 A. Yes.

23 Q. What would they do with it, do you know?

24 A. They had instructions on what to do with it.
25 I don't know what they did. They probably contacted

1 the company and sent it back to them.

2 Q. And in it's place you would use the material
3 that's described in the memo?

4 A. We had other material we used for the same
5 purpose. But, we did use a small -- we didn't get thee
6 right away, these little containers.

7 Q. The aerosol cans?

8 A. Yes. When they came out we used them. I
9 don't remember what was in them though. I think I got
10 one out in the back though, I use on my car.

11 MR. RUVOLO: What's the name of it?

12 THE WITNESS: 63 -- E63.

13 MR. RUVOLO: It might tell you what's in
14 it.

15 BY MR. ERMILIO:

16 Q. Do you remember whether after returning this
17 9A and 9B, you used chlorinate solvents in any manner
18 other than in the aerosol cans?

19 A. No.

20 Q. You don't remember?

21 A. No, they said the chlorinated solvents were
22 out so we wouldn't use them. They wouldn't supply
23 them. If you ordered them they wouldn't even buy them.

24 Q. Okay. So, as of a day or two after the date
25 of the memo when you received the memo, chlorinated

1 solvents were not used?

2 A. Right.

3 Q. Other than in the aerosol cans?

4 A. (Witness nods head.) I don't think the
5 aerosol cans came out right away.

6 Q. Okay.

7 A. That's where that Wright was involved. He
8 probably put that stuff in aerosol cans. He did all
9 things like that.

10 Q. Is that a 12-ounce aerosol can?

11 A. About that. It's like your bug spray.

12 Q. And you said it evaporates when used?

13 A. Uh-huh.

14 MR. ERMILIO: I have no other questions.

15 MR. CUNNINGHAM: I just have one, is
16 that all right?

17 MR. RUVOLO: Sure.

18 MR. CUNNINGHAM: Follow-up.

19 RECROSS-EXAMINATION

20 BY MR. CUNNINGHAM:

21 Q. You don't know what happened with regard to
22 that memo and that substance with regard to Elkhart,
23 Indiana, do you, Mr. Brennan?

24 A. No.

25 MR. CUNNINGHAM: That's all.

REDIRECT EXAMINATION

BY MP. RUVOLO:

Q. I was going to ask you, if you know, who else on that memo, or who on that top of the list on the memo was at Elkhart at the time?

A. Nobody. See, where -- who was Chicago? these are shops, these guys (indicating).

Q. Uh-huh.

A. He was a southern district, he was Indiana, he was Pittsburgh.

Q. When you say "he"?

A. This guy, Korn.

Q. Mr. Korn was Pittsburgh?

A. Yes.

Q. Mr. Roberts was?

A. Roberts was Indianapolis. Doyle was -- Doyle was down there some place. I don't know which one of these guys had Chicago. One of them had Chicago.

Q. And whoever had Chicago would be in charge of Elkhart?

A. Right. Immelt, I think had Chicago.

Q. Immelt, I-m-m-e-l-t?

A. Right.

Q. On the second page there is a list of people that were copied on this memo. Do any of them have any

1 particular connection with Elkhart?

2 A. No. They're all people from different
3 departments. Some of them from storage. This guy is
4 with the laboratory that I was telling you about.

5 Q. This Mr. Reed was in charge of the lab?

6 A. This guy is a general superintendent of
7 locomotives, Harley. But the rest of them are probably
8 from different departments that are involved in the
9 storage department and so on.

10 Q. They would be basically out of Philadelphia
11 then?

12 A. Yes.

13 Q. One final thing. You mentioned that during
14 the period I believe you said the late '60's or the
15 mid-'70's there was a change over in the locomotives,
16 getting rid of the older ones and bringing in the new
17 ones; is that correct?

18 A. Well, it was later than that. It was after
19 '74. We were doing that constantly with the old New
20 York Central and Penn Central kept them way too long.
21 So, it's like your car.

22 Q. Uh-huh.

23 A. You keep it too long it starts to cost you
24 money.

25 Q. Now, was that change over made while it was

1 Penn Central or as Conrail?

2 A. As Conrail.

3 Q. Was there such a thing as a locomotive
4 cemetery or how were they disposed of?

5 A. Well, a lot of them were under lease and they
6 were just returned. A lot of them were out of lease
7 and old enough so they were paid for.

8 Q. Uh-huh. How about tank cars, was any of that
9 going on at the time?

10 A. I don't know. I don't think anybody owns
11 tank cars except tank companies.

12 MR. RUVOLO: No further questions.

13 MR. CUNNINGHAM: Nothing further.

14 MR. ERMILIO: I have one or two.

15 RECROSS-EXAMINATION

16 BY MR. ERMILIO:

17 Q. At some point after the date of this memo,
18 you described, I believe it was during the '80's, you
19 became responsible for the Elkhart yard when you were
20 out of Detroit; is that right?

21 A. After I was there awhile.

22 Q. Do you remember what date it was that you
23 became responsible for the Elkhart yard, approximately
24 what year?

25 A. Well, I tell you, I put Deaver up there in

1 the engine house. I put him up there around '82 or
2 something like that. So, it must have been '82 or
3 before, a little before.

4 Q. That you became responsible for Elkhart?

5 A. I couldn't very well put Deaver in there if I
6 want in charge of the place.

7 Q. When you did become responsible for Elkhart,
8 do you know whether at Elkhart, they were using the 12-
9 ounce cans of chlorinated solvent, aerosol cans that
10 described earlier?

11 A. Yes, they were using them.

12 Q. Were they --

13 A. They had them at all the engine houses.

14 Q. At that time were they using chlorinated
15 solvents from any other source other than the cans?

16 A. No. They just banned them in what, '70, '75.

17 Q. What does that mean?

18 A. That means nobody buys them again.

19 Q. After that date?

20 A. Right.

21 Q. You said you believe Mr. Immelt was
22 responsible for the Elkhart yard in '75?

23 A. Right. I'm sure it was him.

24 Q. Okay.

25 A. Doyle was in Indianapolis.

1 MR. ERMILIO: I have no further
2 questions. Thank you very much.

3 MR. CUNNINGHAM: No further questions.

4 MR. RUVOLO: Thank you Mr. Brennan.

5 (Whereupon, the right to read and sign
6 the deposition was reserved.)

7 (Whereupon, the taking of the deposition
8 was concluded at 11:30 a.m.)

C E R T I F I C A T E

STATE OF FLORIDA:

COUNTY OF ORANGE:

I, BEVERLY GAIL PERRY, Stenographic Shorthand Reporter and Notary Public, State of Florida at Large, do hereby certify that I did, at the time and place herein designated, place under oath the Deponent, LEO BRENNAN, who was thereupon examined; that said examination was recorded by me in stenotype notes which were later reduced to typewritten form under my supervision; and that the foregoing pages numbered 3 through 56, inclusive, constitute a true, complete and accurate transcription of my said stenotype notes taken herein.

I further certify that I am not of counsel for, related to, or employed by any party hereto or attorney involved herein, nor am I financially interested in the outcome of this action.

I further certify that I have furnished the original hereof to PETER H. RUVOLO, ESQUIRE.

WITNESS MY HAND AND OFFICIAL SEAL, this 8th day of March, 1993.

Beverly Gail Perry
BEVERLY GAIL PERRY, Stenographic
Shorthand Reporter and Notary
Public, State of Florida at Large.



OFFICIAL SEAL

BEVERLY GAIL PERRY
My Commission Expires
June 1, 1995

PERRY & RIGGS COURT REPORTERS
(407) 648-1574

SUBSCRIPTION OF DEPONENT

STATE OF FLORIDA)

COUNTY OF ORANGE)

I, LEO BRENNAN, do hereby certify, having read the foregoing deposition, that said transcript is a true and accurate recording of the proceedings had at the time and place designated, including corrections noted on the Errata Sheet, if any.

LEO BRENNAN, DEPONENT

Date: _____

* * * * *

ERRATA SHEET

I, LEO BRENNAN, wish to make the following corrections:

<u>PAGE</u>	<u>LINE</u>	<u>CORRECTION</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

SWORN TO AND SUBSCRIBED before me this _____
day of _____, 1993.

Notary Public, State of Florida at
Large.

My Commission Expires: _____